

Agricultural Marketing Service, USDA

§ 160.95

§ 160.87 Prohibited use of word “turpentine” or derivatives thereof.

It shall be deemed unlawful to use in commerce the word “turpentine” or a compound, derivative or imitation thereof, or any word or combination of words which are a part of a United States Standard for any kind of spirits of turpentine, to describe in any manner a mixture of spirits of turpentine with any other oil or solvent.

§ 160.88 Permitted use of words “turpentine” and “rosin.”

The use of the word “turpentine” or the word “rosin” is not prohibited in the name of an article made, prepared, or processed from spirits of turpentine or rosin, or to indicate the process whereby such article was made or prepared: *Provided*, That this section shall not apply to any article covered by § 160.87.

§ 160.89 Medicinal preparations.

A compound or mixture containing spirits of turpentine or rosin, or both, with other drugs, when sold for medicinal purposes, is not subject to the provisions of the Naval Stores Act or of the provisions in this part.

LABELING, ADVERTISING AND PACKING

§ 160.90 False, misleading, or deceitful practices.

No label or other means or practice used in connection with the sale of naval stores in commerce or of anything offered as such shall be false, misleading, or deceitful in any manner.

§ 160.91 Meaning of words “pine” and “pine tree.”

The words “pine” or “pine tree,” when used to designate the source of spirits of turpentine, shall be deemed to mean a living, growing plant of the genus *Pinus*, family Pinaceae, unless the words “wood of” are used in connection therewith. The terms “oleo-resin of the southern pine” or “oleo-resin from the southern pine” shall be deemed to mean the gum or oleoresin exuded by such living, growing trees, the source of gum spirits of turpentine.

§ 160.92 Meaning of word “gallon.”

The word “gallon,” when used on or impressed into any container of spirits of turpentine, or when used in an invoice referring to spirits of turpentine in containers of 10 gallons content or less, shall mean a United States standard gallon of 231 cubic inches of turpentine, regardless of any other definitive terms used therewith: *Provided*, That this shall not apply to the meaning of the words “imperial gallon”, when placed on containers intended for foreign shipment. For the purpose of these regulations a measured gallon of turpentine, or any indicated multiple or fractional part thereof, shall be such quantity when measured at a temperature of not more than 75 °Fahrenheit, and a weighed gallon shall be construed to mean 7.2 pounds of turpentine.

§ 160.93 Powdered rosin.

The classification and grade of any rosin sold in commerce in a powdered or finely broken condition shall be stated in the invoice or contract of sale in accordance with the kind and grade of the rosin before it was powdered or broken. For the purpose of preventing coalescence there may be incorporated in such article a limited and necessary quantity of inert, nonresinous foreign material: *Provided*, That the nature and quantity of such inert material shall be stated on the label.

§ 160.94 Spirits of turpentine for medicinal use.

Spirits of turpentine so packed, described, labeled, or sold as to indicate that it is offered as a medicament shall nevertheless be subject to the requirements of the Naval Stores Act and of the provisions in this part, as well as any requirements under any other statute.

PROCEEDINGS IN CASE OF VIOLATION

§ 160.95 Proceedings prior to reporting violations of the act.

Whenever it shall appear to the Administrator that any violation of the act should be reported to the United States Department of Justice for appropriate action, he shall serve notice in writing upon the person apparently responsible for the alleged violation

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and shall give such person an opportunity to show in duplicate to the Administrator within 20 days after the receipt of such notice why the alleged violation should not be reported to the Department of Justice. The person so notified may within the period stated apply for an opportunity to present his views in person, or by his attorney. If the Administrator deems the request appropriate he will designate a time and place for hearing the applicant.

§ 160.96 Report of violations for prosecution.

In the event of failure of the person notified of an apparent violation of the act to submit to the Administrator a written answer as provided in § 160.95, or if, after such person has filed his answer or in addition, been given an opportunity to present his views orally, no sufficient reason has been shown why the alleged violation should not be reported for prosecution, the General Counsel of the Department, acting for and on behalf of the Administrator, shall report the alleged violation to the Department of Justice for appropriate action.

§ 160.97 Publication.

Composite data regarding inspections, analyses, classifications, and grading of naval stores made under any provision of the act or the provisions in this part may be published from time to time in such mediums as the Administrator may designate for the purpose.

SPECIFIC FEES PAYABLE FOR SERVICES RENDERED

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.* (1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1) per drum—\$1.24.

(ii) In 100 pound bags (see Note 1) per bag—\$.23.

(iii) In tank cars, per car—\$67.50.

(iv) In tank trucks, per truck—\$34.00.

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums, per drum—\$2.25.

(ii) In tank cars or trucks, per unit of 100 gallons—\$1.41.

(iii) In bulk for delivery to tank steamer, per unit of 100 gallons—\$2.25.

(b) Inspections by regularly employed, salaried Federal inspectors.

(1) Rosin.

(i) Grading and weighing at concentration and storage yards, per drum—\$4.05.

(ii) Irregular inspection and grading at distillation or processing plants, up to 400 drums, per drum—\$3.60; all over 400 drums, per drum—\$2.25.

(iii) Weighing at concentration and storage yards, subsequent to grading, per drum—\$2.25.

(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein—See Note 2 and § 160.204.

(v) Re-certification under L.S. Certificate of rosin moving in commerce, per drum—\$.23.

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.).

(i) In drums of 55 gallons, per drum—\$3.38.

(ii) In tank cars or trucks, per unit of 100 gallons—\$2.81.

(iii) For bulk delivery to tank steamer, per unit of 100 gallons—\$2.25.

NOTE 1: When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total of 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of \$1.01 per drum and \$.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of \$1.24 per drum and \$.23 per bag.

NOTE 2: The inspection or related examination of containers of rosin and their contents under Section B(1)(iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the